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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,994	03/19/2001	Hatem Oueslati	PALM-3615.US.P	9601

7590

06/16/2004

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EXAMINER
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NANO, SARGON N

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/811,994

**Applicant(s)**

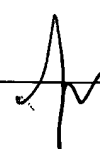
OUESLATI ET AL.

**Examiner**

Sargon N Nano

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 19 March 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to the application filed on March. 03, 2001. Claims 1-20 are pending examination.

#### ***Drawings***

2. New corrected drawings are required in this application because. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

#### ***Specification***

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The

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disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Objections***

4. A series of singular dependent claims is permissible in which a dependent claim refers to a preceding claim which, in turn, refers to another preceding claim.

A claim which depends from a dependent claim should not be separated by any claim which does not also depend from said dependent claim. It should be kept in mind that a dependent claim may refer to any preceding independent claim. In general, applicant's sequence will not be changed. See MPEP § 608.01(n).

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "utility program" in line 9. There is insufficient antecedent basis for this limitation.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

8. Claims 1 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Chaplin et al., U.S Patent No. 6,519,635 (referred to hereafter as Champlin).

As to claims 1 and 13, Chaplin teaches a communication protocol and system comprising the steps of:

- a) sending application resident on a first computer system selecting a transport mechanism and passing data to a first utility program resident on said first computer system; ( see col. 4, lines 23-32).
- b) said first utility program, adding a token (ticket enables to send message), a data type category identifier (look up table), transmit said information packet to a second computer system; ( see col. 4, lines 42-64).
- c) a second utility program, resident on said second computer system, locating said data type identifier in said information packet using said token, (see col.5 , lines 51-59).

d) said second utility program indexing a relevant category of an application registry with said data type identifier to determine a destination application that is associated with said data type identifier, wherein said

application registry comprises identifiers categorized into a plurality of different data type categories and wherein said data type category identifier of said information packet identifies said relevant category; and (see col., lines 51-59)

e) supplying said data packet to said destination application. (see col.5, lines 51-59).

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2 – 6, 8–11, and 14 – 20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Champlin and further in view of Fox et al, US Patent No. 6654786 (referred to hereafter as Fox).

As to claim 2, Champlin teaches a communication protocol comprising the steps of:

    sending application resident on a first computer system, adding a token,  
    locating said data type identifier , indexing relevant category of an application  
    registry and supplying said data packet to said destination application. (see  
    rejection of claim 1 )..

Champlin does not explicitly teach a communication protocol wherein first computer system and second computer system are portable computer systems whereas Fox teaches first computer system and second computer system are portable computer systems (see col.3, lines 42-51). It would have been obvious to one of the ordinary skill in the art at the time of the invention to include portable computer systems in Champlin because doing so would allow to have faster communication.

As to claim 3, Fox teaches first computer system and second computer systems are hand held portable systems (see fig.1 and col. 3. lines 42-51).

As to claim 4, Champlin does not explicitly teach. A communication protocol as wherein transport mechanism is substantially compliant with the Short Message Service (SMS) standard, where as Fox teaches a communication protocol as wherein transport mechanism is substantially compliant with the Short Message Service (SMS) standard? (See col.2 lines 42-55). It would have been obvious to one of the ordinary skill in the art

at the time of the invention to include the Short Message Service (SMS) standard in Champlin invention to convert unproductive time to productive time.

As to claim 5, Fox teaches a communication protocol wherein transport mechanism includes the use of a GSM wireless communication device. (See fig.1 and col. 2. lines 42-51).

As to claim 6, Champlin does not teach a communication protocol wherein said plurality of data type categories comprise: an Extension category; a MIME type category and an Application Creator category. However, Fox teaches a communication protocol as described in Claim 1 wherein said plurality of data type categories comprise: an Extension category; a MIME type category and an Application Creator category (see col., 9 lines 17-28). ). It would have been obvious to one of the ordinary skill in the art at the time of the invention to include MIME type category provide to the ability to transfer non-textual data, such as graphics, audio and fax.

**11.** Claim 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Champlin in view of Fox and in further in view of Pitchaikani et al. U.S. Patent. No. 5,684,988 (referred to hereafter as Patchaikani )

As to claim 7 and 12 Champlin and Fox do not teach protocol where in said data type category identifier is numeric value, however Pitchaikani et al. U.S. Patent. No.



5,684,988 teaches data type category identifier is a numeric value (fig .2, fig. 3 and col.8, line 23-35 and col.9 line 60 –65).

As to claim 8, Champlin teaches a communication protocol comprising the steps of:

- a) sending application resident on a first computer system selecting a transport mechanism and passing data to a first utility program resident on said first computer system; (see col. 4, lines 23-32).
- b) said first utility program, adding a token, a data type category identifier, transmit said information packet to a second computer system; (see col. 4, lines 42-64).
- c) a second utility program, resident on said second computer system, locating said data type identifier in said information packet using said token, (see col.4, lines 51-59).
- d) said second utility program indexing a relevant category of an application registry with said data type identifier to determine a destination application that is associated with said data type identifier, wherein said application registry comprises identifiers categorized into a plurality of different data type categories and wherein said data type category identifier of said

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information packet identifies said relevant category; and (see col.4, lines 51-59)

e) supplying said data packet to said destination application. (See col.4, lines 51-59).

Champlin does not teach a wireless transport mechanism. However Fox teaches wireless transport mechanism (see fig.1, fig.2 and col.3 lines 41-51). It would have been obvious to one of the ordinary skill in the art at the time of the invention to include wireless transportation mechanism to allow the connection from a different geographical location.

As to claim 9, Fox teaches first computer system and second computer systems are hand held portable systems (see fig.1 and col. 3. lines 42-51).

As to claim 10, Champlin does not explicitly teach a communication protocol as wherein transport mechanism is substantially compliant with the Short Message Service (SMS) standard, where as Fox teaches a communication protocol as wherein transport mechanism is substantially compliant with the Short Message Service (SMS) standard. (See col.2 lines 42-55). It would have been obvious to one of the ordinary skill in the art at the time of the invention to include the Short Message Service (SMS) standard in Champlin invention to convert unproductive time to productive time.

As to claim 11, Fox teaches a communication protocol wherein transport mechanism includes the use of a GSM wireless communication device. (See fig.1 and col. 2. lines 42-51).

Claims 14-20 do not teach or add any additional limitations over claims 2-7 therefore are rejected for similar reasons.

### ***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sargon N. Nano whose telephone number is (703) 305-4651. The examiner can normally be reached Monday through Friday, from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Examiner  
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May 14, 2004

  
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